



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,771	06/29/2001	David U. Shorter	6169-235	2029
40987	7590	12/13/2005	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/896,771

Applicant(s)

SHORTER ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/7/01; 2/19/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant amended claims 1, 7, 10, 13, 15, 17, 19, 21, and 22, newly added claim 23, and based arguments on amended claim language. All pending claims (1-23) were examined in this final office action necessitated by amendment.

### ***Response to Arguments***

Applicant's arguments filed 26 September 2005 have been fully considered but they are not persuasive. NEON discloses dynamic message reformatting and format translation to subscriber's format as noted below. NEON discloses subscribers as control points (Piskiel: see at least Figs. 1 & 2). Subscribers can be any type of business entity whether conducting business in the virtual or physical space. The disclosure of US Patent 5,893,911 issued to NEON as assignee and inventor Piskiel (NEON: Item W) is sufficient to permit the examiner to incorporate Piskiel in its entirety into NEON.

### ***Requirement for Information***

1. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is

required as follows: market/sales/user/developer documents pertaining to IBM and Commercial Ware alliance solution combining IBM's Websphere Commerce Suite, MQ Series messaging middleware, Netfinity server, AS/400 server technology, and CommercialWare's retail.dot.commerce application. Recent examiner's search discovered multi-channel retailing solution comprising the above from IBM and CommercialWare engaged in a strategic alliance as noted below:

"IBM and CommercialWare enter strategic alliance to provide e-business solutions to online retail industry," Business Wire, 03 May 2000. Discloses the Assignee combining its MQ Series messaging middleware, Websphere Commerce Suite, Netfinity server, and AS/400 server technology with CommercialWare's retail.dot.commerce application to provide consistent interactions through all sales, marketing, and customer service activities.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 1-20 are rejected under 35 USC 102(b) as being anticipated by NEON (a collection of prior art cited in PTO-892, Items: U-UU).**

NEON teaches all the limitations of claims 1-20. For example, NEON discloses NEON's (New Era of Networks) new XML and EDI adapters used to integrate B2B systems with any other application in an enterprise (U: see at least page 1). NEON discloses XML integration with non-XML based systems, automatic loading of XML document type definitions (DTDs), industry standard formats, choice of connectivity options, and support for IBM's MQSeries and IBM's MQIntegrator (U: see at least page 2). NEON discloses MQSeries software helping companies streamline their B2C, B2B, and A2A computing environments regardless of platform or geography (V: see at least pages 1 and 2). NEON discloses IBM's partnership with NEON (V: see at least page 2). NEON discloses MQSeries providing the integration capabilities for IBM's WebSphere B2B software that helps business connect to customers, suppliers, business partners, and e-marketplaces via the Internet (V: see at least page 2). NEON discloses NEON being awarded US Patent 5,893,911 (identified as a courtesy to the Applicant hereinafter referred to as "Piskiel" for further reference)

that provides protection for core technologies of its Enterprise Application Integration (EAI) products (W: see at least page 6). NEON discloses scalable content-based information routing (e.g. routing orders based on the product being shipped, location, customer, etc.), enabling products (e.g. MQSeries) to perform content-based routing on thousands of information objects per second while evaluating hundreds of thousands of rules (W: see at least page 6). NEON discloses adapters for terminals and communication protocols (UU: see at least pages 1-3). NEON further discloses:

- Associating a plurality of message adapters with a plurality of integrated technology (IT) systems for processing common data: as noted above.
- Intercepting in said message adapter data processing messages generated in corresponding retail IT system: as noted above.
- Converting in message adapters the intercepted data processing messages to a common message format and forwarding each converted message to other IT systems: as noted above
- Receiving the forwarded data processing messages: as noted above.
- Common message format is based upon XML: as noted above.
- Forward each converted data processing message to a data control point; queuing message: (W: see at least page 5; Piskiel, see at least Fig. 1; Fig. 2; col. 1, line 5 through col. 5, line 13; col. 7, lines 45-63); dynamic reformatter (see at least col. 7, lines 45-64); format translation specification information may be included in the action.sub.-- info column

(350 of table 344) to identify a translation format to be used in transmitting the published message to a particular subscriber's desired format (see at least col. 10, lines 10-16).

- Asynchronous messaging: (X: see at least pages 1 and 2).
- Machine readable storage: (W: Piskiel, see at least Fig. 1; col. 5, line 50 through col. 6, line 17).

Pertaining to claims 7-12 and 17-20

Rejection of claims 7-12 and 17-20 is based on the same rationale as noted above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 21-23 are rejected under 35 USC 103(a) as being unpatentable over NEON (a collection of prior art cited in PTO-892, Items: U-UU) in view of Flores et al. (Paper #20040929, US 6,073,109 hereinafter referred to as "Flores").**

NEON teaches NEON's (New Era of Networks) new XML and EDI adapters used to integrate B2B systems with any other application in an enterprise (U: see at least page 1). NEON teaches XML integration with non-XML based systems, automatic loading of XML document type definitions (DTDs), industry standard formats, choice of connectivity options, and support for IBM's MQSeries and IBM's MQIntegrator (U: see at least page 2). NEON teaches MQSeries software helping companies streamline their B2C, B2B, and A2A computing environments regardless of platform or geography (V: see at least pages 1 and 2). NEON discloses IBM's partnership with NEON (V: see at least page 2). NEON teaches MQSeries providing the integration capabilities for IBM's WebSphere B2B software that helps business connect to customers, suppliers, business partners, and e-marketplaces via the Internet (V: see at least page 2). NEON teaches

NEON being awarded US Patent 5,893,911 (identified as a courtesy to the Applicant hereinafter referred to as "Piskiel" for further reference) that provides protection for core technologies of its Enterprise Application Integration products (W: see at least page 6). NEON teaches scalable content-based information routing (e.g. routing orders based on the product being shipped, location, customer, etc.), enabling products (e.g. MQSeries) to perform content-based routing on thousands of information objects per second while evaluating hundreds of thousands of rules (W: see at least page 6). NEON teaches adapters for terminals and communication protocols (UU: see at least pages 1-3). NEON further teaches:

- Associating a plurality of message adapters with a plurality of integrated technology (IT) systems for processing common data: as noted above.
- Intercepting in said message adapter data processing messages generated in corresponding retail IT system: as noted above.
- Converting in message adapters the intercepted data processing messages to a common message format and forwarding each converted message to other IT systems: as noted above
- Receiving the forwarded data processing messages: as noted above.
- Common message format is based upon XML: as noted above.
- Forward each converted data processing message to a data control point; queuing message: (W: see at least page 5 Piskiel, see at least Fig. 1; Fig. 2; col. 1, line 5 through col. 5, line 13; col. 7, lines 45-63).

- Asynchronous messaging: (X: see at least pages 1 and 2).
- Machine readable storage: (W: Piskiel, see at least Fig. 1; col. 5, line 50 through col. 6, line 17).

NEON teaches all the above as noted under the 103(a) rejection but does not teach detecting a modification to common data. Flores teaches managing business processes, detecting changes in transaction databases, and initiating processes due to detected changes (see at least abstract; Fig. 4b (1-6); col. 1, lines 10-27; col. 3, lines 20-24). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of NEON to detect changes in a database as taught by Flores, in order to communicate changes in business information.

Pertaining to claim 22

Rejection of claim 22 is based on the same rationale as noted above.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

"IBM and CommercialWare enter strategic alliance to provide e-business solutions to online retail industry," Business Wire, 03 May 2000. Discloses the Assignee combining its MQ Series messaging middleware, Websphere Commerce Suite, Netfinity server, and AS/400 server technology with CommercialWare's retail.dot.commerce application to

Art Unit: 3625

provide consistent interactions through all sales, marketing, and customer service activities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
December 9, 2005